

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 OCT 13 PM 4:18
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

GEORGE SCHAEFFER,

Plaintiff,

v.

No. 02-2412 B

SHELBY COUNTY, TENNESSEE, et al.,

Defendants.

ORDER TO SHOW CAUSE WHY PLAINTIFF'S CLAIM AGAINST
DEFENDANT HENTZ SHOULD NOT BE DISMISSED

This lawsuit was brought by the pro se Plaintiff, George Schaeffer, on May 24, 2002 against Shelby County, Tennessee and various individuals at the Shelby County Detention Center, including Gregory Hentz. On June 5, 2002, the Court dismissed the complaint as to Defendant Mark Luttrell and ordered issuance of service as to the remaining Defendants. The Clerk of Court was later notified that Hentz no longer worked at the facility and the Court, in an order entered January 5, 2003, directed Shelby County to provide the Court with Hentz's last known address. Re-issuance of process to the address provided was also unsuccessful, leading Shelby County to submit to the Court additional disclosures in response to the January 5 order. On August 21, 2003, the Court again directed that service be effected based on the supplemental disclosures. A return of service was docketed on September 19, 2003 as unexecuted.

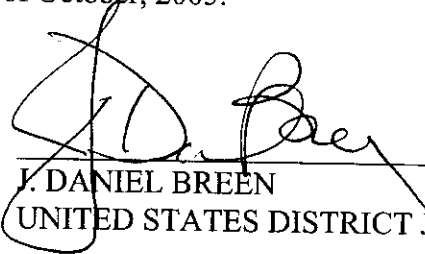
Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion . . . , shall dismiss the action without prejudice as to that defendant or direct that

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service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period." Accordingly, the Plaintiff is hereby DIRECTED to show cause, within eleven (11) days of the entry hereof, why his claims against Defendant Hentz should not be dismissed. Failure to timely respond to this order will result in a dismissal of those claims without prejudice.

IT IS SO ORDERED this 13th day of October, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:02-CV-02412 was distributed by fax, mail, or direct printing on October 14, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT